

THE HONORABLE MARSHA J. PECHMAN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MARTHILDE BRZYCKI,

Plaintiff,

vs.

UNIVERSITY OF WASHINGTON,

Defendant.

CASE NO.: 2:18-cv-01582-MJP

**PRETRIAL ORDER**

Plaintiff Marthilde Brzycki and the University of Washington<sup>1</sup> submit this proposed pretrial order pursuant to Local Rules W.D. Wash. LCR 16 and 16.1.

**I. JURISDICTION**

Jurisdiction is vested in this Court by virtue of 28 U.S.C. § 1331 and § 1332. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

**II. CLAIMS AND DEFENSES**

Plaintiff will pursue the following claims against Defendants at trial:

1. Discrimination on the basis of race and national origin in violation of the Washington Law Against Discrimination ("WLAD") and Title VII of the Civil Rights Act of 1964 ("Title VII");

2. Retaliation for engaging in protected activity in violation of the WLAD and Title

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<sup>1</sup> The Court notes that it has altered the Parties' proposed order to remove reference to Harborview Medical Center as a party to this case, per Dkt. No. 101.

VII; and

3. Failure to accommodate Plaintiff's disability in violation of the WLAD.

Defendants intend to pursue the following affirmative defenses at trial:

1. Plaintiff has failed to mitigate or avoid damages;

2. Some or aspects of Plaintiff's claims are barred by applicable statutes of limitation and failure to timely and properly exhaust administrative remedies;

3. Some or aspects of Plaintiff's claims fail to state a cause of action for which relief may be granted; and

4. Plaintiff's damages are due in whole or in part to pre-existing conditions or conditions which are unrelated to the claims in the complaint.

### III. ADMITTED FACTS

The following facts are admitted by the parties:

1. Harborview Medical Center is a hospital in Seattle owned by King County and managed under contract by Defendant the University of Washington.

2. The Stroke Clinic at Harborview cares for patients with cerebrovascular disease who have suffered a stroke or transient ischemic attack or who are at risk for stroke or transient ischemic attack.

3. Brzycki is Black and a native of Haiti.

4. Brzycki moved to the U.S. when she was eleven years old and continues to speak with a Haitian accent.

5. After receiving her master's degree and her ARNP license, Brzycki began working as a full-time hourly Registered Nurse 2 in Harborview's Stroke Center in November 2014.

6. Brzycki became a full-time Stroke Health Care Specialist ("HCS") in January 2015, after Harborview approved her ARNP privileges.

7. Stroke Clinic operations are overseen by the Stroke Program Medical Director and the Stroke Program Manager. The Stroke Program Manager oversees a small team that includes

1 the Stroke Program Coordinator, the Stroke Resource Nurse, and the Stroke Health Care Specialist.

2 8. As Stroke Health Care Specialist, Brzycki reported to the Stroke Center Program  
3 Manager. The Stroke Program Manager reported to Assistant Administrator Kathy Hare.

4 9. The first Stroke Center Program Manager for whom Brzycki worked was Vicki  
5 Johnson.

6 10. Brzycki's duties as Health Care Specialist included seeing stroke patients  
7 discharged from the hospital after stroke for medical management, diagnostics, counseling, care  
8 coordination, and monitoring for secondary stroke prevention services. Her duties also included  
9 serving as a resource for inpatient staff and coordinating daily essential patient needs in  
10 collaboration with the Stroke Resource Nurse.

11 11. In August 2015, Brzycki complained to Johnson's manager, Assistant  
12 Administrator for Patient Care Services Kathy Hare, about Johnson and perceived challenges in  
13 the Stroke Center. Hare assigned Human Resources Consultant Nola Balch to investigate  
14 Brzycki's complaint.

15 12. Although Balch's investigation identified issues with Johnson's management and  
16 communications skills, Balch concluded that Johnson had not created a hostile work environment.

17 13. In late August 2015, Brzycki also complained to the University of Washington's  
18 University Complaint Investigation and Resolution Office ("UCIRO") about Johnson. The day  
19 after making the UCIRO complaint, Brzycki asked UCIRO to close her complaint because Human  
20 Resources had initiated its own investigation.

21 14. In or around November 2015, Hare engaged Abeba "Abby" Tesfamariam, Director  
22 of Procedure Operations, to assess the Stroke Center operations. Tesfamariam interviewed stroke  
23 staff and providers and issued written findings.

24 15. Johnson went on leave in December 2015 and never returned to work.

25 16. After Johnson left, Miryah Hibbard served as an Interim Stroke Program Manager,  
26 while Harborview sought a full-time replacement.

1           17.     Hibbard separated from Harborview in July 2016.

2           18.     After Hibbard separated from Harborview, Hare supervised Stroke Center  
3 employees until a new Stroke Program Manager was hired.

4           19.     In August 2016, Harborview hired Tricia O'Donohue (then known as Tricia  
5 Roland) as Stroke Program Manager. O'Donohue began her employment at Harborview on August  
6 23, 2016.

7           20.     In November 2016, O'Donohue, working with Balch, initiated an investigation of  
8 Brzycki's time and attendance.

9           21.     On November 17, 2016, O'Donohue gave Brzycki a letter informing her that an  
10 investigation had been initiated regarding "discrepancies in your attendance and hours of work,  
11 and concerns with your work performance."

12          22.     On November 18, Brzycki emailed UCIRO to complain that O'Donohue had been  
13 subjecting her to "bullying and discrimination."

14          23.     On November 18, Brzycki submitted a written complaint to Hare and Director of  
15 Health Care Specialists Kelly Paananen about the investigation notice letter and about  
16 O'Donohue's treatment of her. Interim Human Resources Consultant Kim Francis was tasked  
17 with investigating Brzycki's complaint.

18          24.     On November 21, Brzycki met with UCIRO investigator Beth Louie about her  
19 UCIRO complaint against O'Donohue. Louie closed Brzycki's complaint as outside UCIRO's  
20 purview.

21          25.     On November 29, Francis interviewed Brzycki about her complaint to Hare and  
22 Paananen about O'Donohue. Brzycki's Union representative Sabrina Snow was present for the  
23 interview. On December 13, Francis interviewed O'Donohue.

24          26.     During the week of November 28, 2016, Drs. Tirschwell and Becker met with  
25 O'Donohue and Paananen and expressed concerns about Brzycki's stroke knowledge, patient  
26 documentation, receipt of feedback, and treatment decisions. On December 8, Paananen sent a  
27

1 letter summarizing these concerns to Dr. Will Longstreth, Chief of Neurology.

2 27. On December 5, Harborview informed Brzycki that it had renewed her privileges  
3 and reappointed her to its Adjunct Medical Staff.

4 28. On January 11, 2017, Francis sent Brzycki a letter advising that she did not  
5 substantiate Brzycki's allegation that O'Donohue had harassed her.

6 29. The investigation into Brzycki's conduct proceeded in December 2016. The first of  
7 three investigatory interviews took place on December 5, 2016.

8 30. On December 8, 2016, Brzycki's health care provider, Elizabeth Schuringa ARNP,  
9 requested Brzycki be placed on medical leave for four weeks due to "increased anxiety with panic  
10 type disorder." The University approved this request. Schuringa later requested to extend  
11 Brzycki's leave. The University approved this request.

12 31. Ms. Brzycki returned to work on February 2, 2017.

13 32. The second of the three interviews of Brzycki took place on February 13.

14 33. On February 14, the University placed Brzycki on paid administrative leave  
15 following an email she sent.

16 34. The third of the three interviews of Brzycki took place on February 16.

17 35. On April 7, 2017, the University provided Brzycki with a Final Counseling letter,  
18 an Action Plan, a job description, and copies of various University policies.

19 36. Prior to April 7, 2017, Brzycki had never received any discipline.

20 37. Brzycki returned to work from administrative leave on April 18, 2017. On that  
21 date, Balch, O'Donohue, and Paananen met with Brzycki to review the Final Counseling letter and  
22 Action Plan.

23 38. On April 26, 2017, Brzycki's health care provider Rachel Sternoff, ARNP,  
24 requested that Brzycki be placed on medical leave for eight weeks beginning April 26, due to  
25 "increased anxiety with panic attacks and elevated blood pressure associated with work." The  
26 University approved Brzycki's request for medical leave.

1           39. In April 2017, after receiving the Final Counseling and Action Plan, Brzycki filed  
2 EEOC Charge No. 551-2017-01080 alleging race and national origin discrimination and  
3 retaliation. O'Donohue, Hare, and Balch received notice of Brzycki's EEOC charge on April 27,  
4 2017.

5           40. On June 26, 2017, Sternoff issued a family medical leave form indicating Brzycki  
6 could return to work on July 1, 2017, with a part-time schedule of 20 hours per week for two  
7 months.

8           41. On June 27, Francis, now working as a Leave Specialist, received Sternoff's  
9 medical leave request form. Francis emailed O'Donohue to ask if O'Donohue's department could  
10 accommodate Brzycki's request for a temporary 20 hour per week schedule. O'Donohue  
11 investigated whether the department could accommodate the request. O'Donohue then drafted a  
12 part-time, 20-hour per week work schedule. Before sending the schedule to Brzycki, O'Donohue  
13 sent the draft schedule to Francis.

14           42. On June 30, 2017, O'Donohue emailed the 20 hour per week schedule to Brzycki.

15           43. O'Donohue's schedule provided that after Brzycki's first week back to work, a  
16 regular weekly schedule would go into place in which Brzycki would be expected to work five  
17 hours per day, four days per week, with Thursdays off. O'Donohue's Tuesday schedule provided  
18 for six patients to be scheduled in the Stroke Clinic.

19           44. Brzycki responded by email to O'Donohue's schedule. Brzycki stated that she  
20 could not handle seeing six patients on a part-time clinic day. She also requested "advance  
21 warning" prior to any private meetings with O'Donohue and Paananen and that her union  
22 representative be present for any "private meetings with management."

23           45. O'Donohue consulted with Balch about Brzycki's email. Balch drafted a response  
24 for O'Donohue, which O'Donohue then sent to Brzycki. The response provided, in part, that: "The  
25 schedule/workflow is not up for negotiation, though, as ever, if you run into challenges in meeting  
26 the work expectations you should come to me right away so that we can engage in a problem  
27

1 solving discussion to review workflow, priorities and strategies.”

2 46. Brzycki returned to work on July 5, 2017. The schedule that day provided for  
3 Brzycki to meet with Roland and Paananen at 9:00 a.m. Brzycki did not attend that meeting.

4 47. On July 5, 2017, Brzycki contacted Francis. She requested a private, quiet area to  
5 work, advance notice of meeting agendas, and uninterrupted work time. Brzycki did not raise  
6 issues concerning the work schedule with Francis on July 5<sup>th</sup>.

7 48. On the morning of July 11, O'Donohue informed Brzycki that she wanted to meet  
8 with her and Paananen the next day, July 12, to review the action plan and the part-time work  
9 schedule.

10 49. On July 11, all six of the patients scheduled for Brzycki's Tuesday clinic appeared  
11 for their appointments. Brzycki worked more than the allotted five hours that day.

12 50. In the morning of July 12, 2017, O'Donohue again advised Brzycki that she needed  
13 to attend the meeting that day with her and Paananen. Brzycki did not attend the meeting and  
14 instead went to an appointment with her counselor, Reid Stell.

15 51. Later that day, July 12, Brzycki returned to work with a statement from Stell, which  
16 requested that Brzycki be placed on medical leave. Stell's statement provided that “all job  
17 functions precluded” and indicated that Brzycki could not meet the psychological demands of the  
18 job. The University granted Brzycki's request and she went on medical leave after completing her  
19 shift on July 14, 2017.

20 52. On July 12, Brzycki emailed Director of Medical Centers Employee Relations  
21 Jennifer Petritz a complaint about the part-time schedule O'Donohue implemented. Petritz  
22 solicited additional information from Brzycki and O'Donohue about the schedule and responded  
23 to Brzycki's complaint via email on July 18, 2017.

24 53. Aside from a brief period in November 2017, Brzycki never returned to full time  
25 employment at Harborview.

26 54. On July 17, 2017, Brzycki contacted UCIRO. On July 19, 2017, Brzycki completed  
27

1 an intake interview with UCIRO investigator Alina McLauchlan regarding her complaints of  
2 discrimination and retaliation.

3 55. On August 16, Brzycki filed EEOC Charge No. 551-2017-01858, in which she  
4 alleged failure to accommodate, discrimination on the basis of disability, and retaliation for filing  
5 her May 2017 EEOC charge.

6 56. In September 2017, Brzycki accepted a conditional offer of an ARNP position with  
7 the Veterans Affairs Puget Sound Healthcare System in Seattle, Washington (“VA”).

8 57. Brzycki resigned her position at the University effective November 30, 2017.

9 58. Shortly after resigning from the University, Brzycki began working for the VA.

10 59. Brzycki’s monthly salary at the University in 2017 was \$8,826.00.

11 60. McLauchlan investigated Brzycki’s EEOC and UCIRO complaints, interviewing  
12 nine witnesses and reviewing documents. She reported her findings to UW management and to  
13 the EEOC.

#### 14 IV. ISSUES OF LAW

15 The following are the issues of law and fact to be determined by the jury :

16 1. Did the Step C Final Counseling letter issued on April 7, 2017 constitute an adverse  
17 employment action—i.e., did it materially affect the compensation, terms, conditions or privileges  
18 of employment?

19 2. As to Ms. Brzycki’s state law discrimination claim, were her race and/or national  
20 origin a substantial factor in the University’s decision to issue her the Step C Final Counseling  
21 letter?

22 3. As to Ms. Brzycki’s Title VII discrimination claim, were her race and/or national  
23 origin a motivating factor in the University’s decision to issue her the Step C Final Counseling  
24 letter?

25 4. Was Ms. Brzycki’s participation in or opposition to any activity protected by the  
26 WLAD a substantial factor in the Defendants’ decision to subject Ms. Brzycki to an adverse  
27



1 employment action?

2 5. Did Harborview subject Ms. Brzycki to any adverse employment action because of  
3 her participation in or opposition to any activity protected by Title VII?

4 6. In July 2017, could Ms. Brzycki perform the essential functions of her job with or  
5 without accommodation?

6 7. Did Defendants violate the WLAD by failing to provide a reasonable  
7 accommodation for Ms. Brzycki in July 2017?

8 **V. EXPERT WITNESSES**

9 The names and addresses of the expert witnesses to be used by each party at the trial and  
10 the issues upon which each will testify are:

11 **A. On behalf of Plaintiff:**

- 12 1. **M. Reid Stell, LMHC** (will testify)  
13 14535 Bel-Red Road, Suite B-202  
14 Bellevue, WA 98007

15 Reid Stell is a licensed mental health counselor and was one of Brzycki's treating  
16 providers. He formed his opinions during treatment of Brzycki from November 2016 through  
17 December 2017. Stell will testify regarding his treatment of Brzycki and the emotional impact of  
18 Defendants' conduct on Brzycki.

- 19 2. **Elizabeth Schuringa, ARNP** (will testify)  
20 c/o M. Re Knack  
21 Ogden Murphy Wallace P.L.L.C.  
22 901 Fifth Avenue, Suite 3500  
23 Seattle, WA 98164  
24 206-442-1312  
25 rkknack@omwlaw.com

26 Elizabeth Schuringa is an Advanced Registered Nurse Practitioner and former employee  
27 of Overlake Medical Center. She was one of Brzycki's treating providers. She formed her opinions  
during treatment of Brzycki from December 2014 to April 2017. She will testify regarding her  
diagnosis and treatment of Brzycki, and her placement of Brzycki on medical leave in December

2016.

3. **Rachel Sternoff, ARNP** (will testify)  
c/o M. Re Knack  
Ogden Murphy Wallace P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, WA 98164  
206-442-1312  
rknack@omwlaw.com

Rachel Sternoff is an Advanced Registered Nurse Practitioner and employee of Overlake Medical Center. She was one of Brzycki's treating providers. She formed her opinions during treatment of Brzycki from April 2017 to October 2017. She will testify regarding her diagnosis and treatment of Brzycki, her placement of Brzycki on medical leave in April 2016, and her recommendation that Brzycki return to work on a part-time schedule in July 2016.

#### **B. On behalf of Defendants**

1. **Dr. Russell Vandenbelt**  
11201 SE 8<sup>th</sup> Street, #105  
Bellevue, WA 98004  
425-454-0255

Dr. Vandenbelt is a medical doctor and psychiatrist who reviewed Plaintiff's medical and counseling records, interviewed Brzycki, and tested her. Dr. Vandenbelt may be called to testify as to Plaintiff's emotional distress issues and causation.

### **VI. OTHER WITNESSES**

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

#### **A. On behalf of Plaintiff:**

1. **Nola Balch** (possible witness only)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group  
315 Fifth Avenue, Suite 1000  
Seattle, WA 98104

Ms. Balch is Human Resources Consultant at Harborview. She may be called to testify about Harborview's November 2016 – April 2017 investigation of Ms. Brzycki's time and

attendance.

2. **Marthilde Brzycki** (will testify)  
c/o Frank Freed Subit & Thomas  
705 Second Avenue, Suite 1200  
Seattle, WA 98104-1798  
206-682-6711

Ms. Brzycki is Plaintiff in this matter. She will be called to testify regarding the facts at issue in the Complaint and Answer.

3. **William Brzycki** (will testify)  
c/o Frank Freed Subit & Thomas  
705 Second Avenue, Suite 1200  
Seattle, WA 98104-1798  
206-682-6711

Mr. Brzycki is Plaintiff's husband. He will be called to testify regarding his knowledge of the emotional and financial impact of Defendants' conduct on Plaintiff.

4. **Tammie English** (possible witness only)  
206-240-7985

Ms. English is a Stroke Resource Nurse at Harborview Medical Center. She may be called to testify about her observations of Ms. Brzycki's work practices.

5. **Tracy Ezell** (possible witness only)  
206-898-0332

Ms. Ezell is the Stroke Clinic Patient Care Coordinator at Harborview Medical Center. She may be called to testify about her observations of Ms. Brzycki's work, Ms. Brzycki's interactions with Stroke Clinic staff, Ms. Brzycki's interactions with Ms. O'Donohue, Stroke Clinic practices, and her knowledge of the emotional impact of Harborview's conduct on Ms. Brzycki.

6. **Kim Francis** (will testify)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group  
315 Fifth Avenue, Suite 1000  
Seattle, WA 98104

Ms. Francis is Leave Specialist Lead at Harborview. She will be called to testify regarding her investigation of Ms. Brzycki's November 2016 complaint regarding Ms. O'Donohue, Ms.

Brzycki's medical leave, and Ms. Brzycki's requests for disability accommodations.

7. **Susan Guse** (possible witness only)  
2508 NW 195<sup>th</sup> Pl.  
Shoreline, Washington 98177  
206-397-5638

Ms. Guse was the former Administrative Assistant in the Neurology Office at Harborview. She retired in December 2016. She may be called to testify regarding her observations of interactions between Ms. Brzycki and Ms. O'Donohue and her observations of Ms. Brzycki's conduct and performance at work.

8. **Kathy Hare** (possible witness only)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group  
315 Fifth Avenue, Suite 1000  
Seattle, WA 98104

Ms. Hare is Associate Chief Nursing Officer and Assistant Administrator at Harborview. She may be called to testify about the investigation of Ms. Brzycki's 2015 complaint against Vicki Johnson, her experiences working with Ms. Brzycki and Ms. Brzycki's managers, the investigation of Ms. Brzycki's time and attendance between November 2016-April 2017, and the discipline imposed on Ms. Brzycki in April 2017.

9. **Dakota Johnson** (possible witness only)  
5035 S. Steel Street  
Tacoma, WA 98409  
206-856-7032

Dakota Johnson is a former Medical Assistant at Harborview. She may be called to testify regarding her observations of interactions between Ms. Brzycki and Ms. O'Donohue and her observations of Ms. Brzycki's conduct and performance at work.

10. **Kathy Kindberg** (possible witness only)  
c/o Frank Freed Subit & Thomas, LLP  
705 Second Avenue, Suite 1200  
Seattle, WA 98104  
206-682-6711

Ms. Kindberg is a paralegal with the firm Frank Freed Subit & Thomas LLP. She may be

1 called to testify regarding the authenticity and accuracy of certain summary exhibits.

2 11. **Lilia Merveus** (will testify)  
3 24404 15<sup>th</sup> Avenue S.  
4 Des Moines, WA 98198  
5 206-565-4389

6 Ms. Merveus is a personal friend of Plaintiff and an employee of Harborview Medical  
7 Center. She is an immigrant from Haiti. She may be called to testify regarding her experiences of  
8 being stereotyped as a Haitian woman, her knowledge of the emotional impact of Harborview's  
9 conduct on Ms. Brzycki, and her observations of Tricia O'Donohue's conduct toward Haitian  
10 people.

11 12. **Tricia O'Donohue** (will testify)  
12 c/o Seth Berntsen and Hathaway Burden  
13 Summit Law Group  
14 315 Fifth Avenue, Suite 1000  
15 Seattle, WA 98104

16 Ms. O'Donohue is the Stroke Program Manager at Harborview. She will be called to testify  
17 about her interactions with Ms. Brzycki in 2016 and 2017, her investigation of Ms. Brzycki's time  
18 and attendance, the decision to issue Step C Final Counseling discipline to Ms. Brzycki, and the  
19 part-time schedule she issued in response to Ms. Brzycki's June 2017 request for reasonable  
20 accommodations.

21 13. **Kelly Paananen** (possible witness only)  
22 c/o Seth Berntsen and Hathaway Burden  
23 Summit Law Group  
24 315 Fifth Avenue, Suite 1000  
25 Seattle, WA 98104

26 Ms. Paananen is the Director of Health Care Specialists at Harborview. She may be called  
27 to testify about her interactions with Ms. Brzycki between 2015 and 2017, Ms. Brzycki's role as  
Stroke Health Care Specialist and about Harborview's November 2016 – April 2017 investigation  
of Ms. Brzycki's time and attendance.

14. **Sabrina Snow** (will testify)  
6605 Sidney Rd. SW  
Port Orchard, WA 98367

206-817-9086

Ms. Snow is a former Union field organizer for SEIU Healthcare 1199NW and was Ms. Brzycki's Union representative during Kim Francis's investigation of Ms. Brzycki's November 18, 2016 complaint and during Harborview's November 2016 – April 2017 investigation of Ms. Brzycki's time and attendance. She will be called to testify regarding her observations during these investigations and regarding SEIU Healthcare 1199NW's collective bargaining agreement with Harborview.

Note: Ms. Snow may need an accommodation for a disability to facilitate her testimony.

15. **David Tirschwell, M.D.** (possible witness only)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group  
315 Fifth Avenue, Suite 1000  
Seattle, WA 98104

Dr. Tirschwell is the medical director of the Harborview Stroke Center. He may be called to testify about the mission and purpose of Harborview's Comprehensive Stroke Center, his interactions with Ms. Brzycki between 2015 and 2017, his concerns about Ms. Brzycki's performance and conduct, and correspondence he wrote and feedback he provided concerning the same.

**NOTE:** Plaintiff also reserves the right to call at trial any witness designated by Defendants. Plaintiff also reserves the right to supplement her witness list.

## **B. On behalf of Defendants**

1. **Marthilde Brzycki** (will testify)  
c/o Frank Freed Submit & Thomas LLP  
705 Second Avenue, Suite 1200  
Seattle, WA 98104  
206-682-6711

Plaintiff is expected to testify as to the facts pertinent to her claims and alleged damages.

2. **Tricia O'Donohue** fka Roland (will testify)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000

Seattle, WA 98104

Ms. O'Donohue is expected to testify as to her background, management of the Stroke Program, her dealings with Ms. Brzycki, issues with Ms. Brzycki's performance and conduct, other issues pertinent to Plaintiff's claims and Defendants' defenses, and the various issues set forth in her declarations in this matter.

3. **Nola Balch** (will testify)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Balch is expected to testify as to her background, dealings and interactions with Ms. Brzycki, issues with Ms. Brzycki's performance and conduct, Balch's investigations and findings, and the various issues set forth in her declarations in this matter.

4. **Kim Francis** (will testify)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Francis is expected to testify as to her background, dealings and interactions with Ms. Brzycki, and the various issues set forth in her declaration in this matter.

5. **Kathy Hare** (will testify)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Hare is expected to testify as to her background, dealings and interactions with Ms. Brzycki, and the various issues set forth in her declaration in this matter.

6. **Tammie English** (possible)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. English may be called to testify as to her work at Harborview and the Stroke Center and her dealings with Ms. Brzycki and Ms. O'Donohue.

- 1           7.     **Kelly Paananen** (will testify)  
2                 c/o Seth Berntsen and Hathaway Burden  
3                 Summit Law Group PLLC  
4                 315 Fifth Avenue S, Suite 1000  
5                 Seattle, WA 98104

6           Ms. Paananen is expected to testify as to her background, dealings and interactions with  
7           Ms. Brzycki, issues with Ms. Brzycki's performance and conduct, investigations into Brzycki's  
8           conduct, duties and responsibilities of ARNPs at Harborview, and the various issues set forth in  
9           her declaration in this matter.

- 10          8.     **Dr. David Tirschwell** (will testify)  
11                 c/o Seth Berntsen and Hathaway Burden  
12                 Summit Law Group PLLC  
13                 315 Fifth Avenue S, Suite 1000  
14                 Seattle, WA 98104

15          Dr. Tirschwell is expected to testify as to his background, the Stroke Center and Clinic and  
16          his work there, his dealings and interactions with Ms. Brzycki, issues with and concerns about Ms.  
17          Brzycki's performance and conduct, and the correspondence he wrote and feedback he provided  
18          concerning the same.

- 19          9.     **Alina McLauchlan** (will testify)  
20                 c/o Seth Berntsen and Hathaway Burden  
21                 Summit Law Group PLLC  
22                 315 Fifth Avenue S, Suite 1000  
23                 Seattle, WA 98104

24          Ms. McLauchlan will testify about her background, UCIRO's role, her work at UCIRO,  
25          her communications and dealings with Brzycki, her investigation into Brzycki's UCIRO and  
26          EEOC complaints and her findings concerning the same, and other issues set forth in her  
27          declaration.

- 28          10.    **Mags Aleks** (will testify)  
29                 c/o Seth Berntsen and Hathaway Burden  
30                 Summit Law Group PLLC  
31                 315 Fifth Avenue S, Suite 1000  
32                 Seattle, WA 98104

33          Ms. Aleks is expected to testify as to her background, her work at the University, UCIRO's



1 role at the University, and her interactions and dealings with Plaintiff relating to Brzycki's 2015  
2 complaint to UCIRO, and the issues set forth in her declaration in this matter.

3 11. **Kyra Becker** (will testify)  
4 c/o Seth Berntsen and Hathaway Burden  
5 Summit Law Group PLLC  
6 315 Fifth Avenue S, Suite 1000  
7 Seattle, WA 98104

8 Dr. Becker is expected to testify as to her background, the Stroke Center and Clinic and  
9 her work there, her dealings and interactions with Ms. Brzycki, issues with and concerns about  
10 Ms. Brzycki's performance and conduct and the correspondence she wrote and feedback she  
11 provided concerning the same.

12 12. **Anna Krumpe** (possible)  
13 c/o Seth Berntsen and Hathaway Burden  
14 Summit Law Group PLLC  
15 315 Fifth Avenue S, Suite 1000  
16 Seattle, WA 98104

17 Ms. Krumpe may be called to testify about her work at Harborview and in the Neurology  
18 and in the Stroke Clinic, filling in for Ms. Brzycki when she was on medical leave, preparing for  
19 and charting patient visits, working and communications with Brzycki, and related issues.

20 13. **Vicky Johnson** (possible)  
21 425-478-3890  
22 Florida

23 Ms. Johnson may be called to testify as to her background, her work at Harborview and as  
24 Manager of the Stroke Program, her interactions and dealings with Plaintiff, her issues and  
25 concerns with Plaintiff and to address the accusations Plaintiff has made against her in this case.

26 14. **Myriah Hibbard** (possible)  
27 253-227-8906

Ms. Hibbard may be called to testify as to her background, her work at Harborview and as  
Manager of the Stroke Program, her interactions and dealings with Plaintiff, her issues and  
concerns with Plaintiff and related issues.

15. **Dawn Drury** (possible)

Unknown

Ms. Drury may be called to testify as to her background, her work at Harborview and as Stroke Resource Nurse, her interactions and dealings with Plaintiff, her issues and concerns with Plaintiff and related issues.

16. **Dr. Rizwan Kalani** (possible)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Dr. Kalani may be called to testify as to his background, his work at Harborview and to dealings and interactions and observations of Plaintiff.

17. **Ashvin Thomas** (possible)  
aphomas@uw.edu  
206-543-4028  
Box 354984  
1410 NE Campus Parkway  
Seattle, WA 98195

Mr. Thomas may be called to testify as to his background, his work at the University, his assistance with the investigation into Plaintiff's conduct, information he provided to Ms. Balch about Ms. Brzycki's conduct, his attendance at and observations of the second investigatory meeting, and related issues.

18. **Zenaida Shattuck** (possible)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Shattuck may be called to testify as to her background, her work at the University, her and her department's assistance with the investigation into Plaintiff's conduct, her attendance at and observations of the first investigatory meeting, and related issues.

19. **Abby Tesfamariam**, (will testify, *via perpetuation deposition*)  
206.362.7305  
atesfama@hotmail.com

Ms. Tesfamariam has already testified in this matter and her testimony will be presented at

trial on all issues upon which she was examined, including her background, her work at Harborview, her investigation into the Stroke Center, and her findings and assessments, including those related to Plaintiff.

20. **Darcy Jaffe** (possible)  
206.216-2501 work

Ms. Jaffe may be called to testify about her work at Harborview and her knowledge of issues with Plaintiff's performance and conduct and decision-making relating to Plaintiff, including the Final Counsel.

21. **Sandra Elliott** (possible)  
sellott@uw.edu  
206-598-3975, 206 598-4480  
Box 356152  
1410 NE Campus Parkway  
Seattle, WA 98195

Ms. Elliott may be called to testify as to her work at the University as a Nurse Recruiter, Plaintiff's job applications to positions at UWMC, how those applications were handled, and other issues, including those addressed in her declaration in this matter.

22. **Beth Louie** (will testify, *via perpetuation deposition*)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Louie has already testified in this matter and her testimony will be presented at trial on all issues upon which she was directly examined, including her handling of Plaintiff's late 2016 complaint to UCIRO, her interview of Plaintiff, and her conclusions and actions concerning the same.

23. **Jennifer Petritz** (will testify, *via perpetuation deposition*)  
c/o Seth Berntsen and Hathaway Burden  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104

Ms. Petritz will be testifying via perpetuation deposition and her deposition may be

presented at trial concerning her work at the University and Harborview, practices and procedures of human resources at Harborview, her involvement in issues relating to Ms. Brzycki, including but not limited to responding to complaints Plaintiff made.

**NOTE:** Defendants reserve the right to call at trial any witness designated by Plaintiff. Defendants also reserve the right to supplement their witness list.

## VII. EXHIBITS

### A. Plaintiff's Exhibits

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
1.	10/22/2014	UWMB007619	Performance Evaluation		X ER 401, 403. MIL ER 801, 802, Hearsay		
2.	11/3/2014	UWMB00000616	Brzycki RN2 Offer Letter	X			
3.	1/26/2015	UWMB00000638	Brzycki Stroke HCS Offer Letter	X			
4.	8/25/2015	UWMB000002569	Email from Brzycki to UCIRO re Work environment	X			
5.	8/26/2015	UWMB002950	Email from Hare to Balch re FW: stroke area	X			
6.	8/25/2015	UWMB008626	Email from Hare to Brzycki	X			
7.	9/6/2015	MB-002537	Printout of Brzycki's weekly schedule			X ER 401, 403	
8.	10/?/2015	UWMB002947	Challenges in the Stroke Center document	X			
9.	2015	MB-000065	Excerpts of CBA between Harborview and SEIU Healthcare 1199NW			X ER 401, 403 Not comp	

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
						lete. Not best evidence	
10.	4/1/2016	MB-001000	Email from Brzycki to Arning re friend from Haiti			X ER 401, 403 ER 801, 802, Hear say	
11.	5/12/2016	MB-000702	Email from Hibbard to Brzycki re Confidential email			X ER 401, 403 Foun datio n. ER 801, 802, Hear say	
12.	5/18/2016	MB-000707	Email from Brzycki to Becker re Patient f/u ARNP outpatient visit		X ER 401, 403		
13.	5/19/2016	MB-000705	Email from Brzycki to Hibbard re patient ed on units			X ER 401, 403 Foun datio n. ER 801, 802, Hear say	
14.	7/26/2016	UWMB008698	Email from Hare re Tricia Roland accepts Stroke Center Manager position	X			

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
15.	7/27/2016	UWMB008700	Email from Hare to Brzycki re Evaluation		X ER 401, 403		
16.	8/3/2016	MB-002360	Email from Drum to Ezell, Brzycki re For your review: New Stroke Call Algorithm			X ER 401, 403 Foundation. ER 801, 802, Hear say	
17.	8/12/2016	MB-000829	Email from Brzycki to Hare Re: Job Duties/Description	X			
18.	9-11/2016	UWMB00001238	Multiple emails from Roland regarding Brzycki	X			
19.	11/3/2016	UWMB008735	Email from Hare to Brzycki re role as a provider	X			
20.	11/14/2016	UWMB009418	Email from Brzycki to Paananen re ARNP role	X			
21.	11/16/2016	UWMB005539	Email from Brzycki re Stroke QI Meeting	X			
22.	11/17/2016	UWMB006137	Letter from Roland re Investigatory Meeting	X			
23.	11/18/2016	UWMB009506	Email from Hare to Brzycki et al re Disciplinary meeting for work performance and hours worked, requested by Tricia Roland	X			
24.	11/18/2016	UWMB0002616	Email from Brzycki to UCIRO re Discrimination and bullying from manager	X			
25.	11/21/2016	UWMB0002606	Intake Notes	X			
26.	11/29/2016	UWMB00001178	Francis meeting notes	X			
27.	2016	MB-002185	M.Brzycki, ARNP- How I manage my time	X			

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
28.	12/5/2016	MB-000692	Email re HMC Reappointment	X			
29.	12/8/2016	UWMB002925	Health Care Provider Certification by Schuringa	X			
30.	12/13/2016	UWMB00001177	Francis meeting notes	X			
31.	1/3/2017	UWMB002922	Health Care Provider Certification by Schuringa	X			
32.	1/11/2017	UWMB00001177	Letter from Francis	X			
33.	1/2017	UWMB003089	UW Medicine Chart Policy	X			
34.	1/17/2017	UWMB00290	Letter from Schuringa		X ER 401, 403		
35.	2/14/2017	UWMB004433	Email from Brzycki re Hours verified	X			
36.	2/14/2017	MB-002353	Letter from Hare re Administrative Leave	X			
37.	2/17/2017	MB-000017	Email from Brzycki re Compliance Audit Results			X Not best evidence. Incomplete (missing pages).	
38.			WITHDRAWN				
39.	4/18/2017	UWMB007456	Employee grievance		X ER 401, 403 ER 801, 802, Hearsay		
40.	4/21/2017	UWMB009687	Email from Brzycki to Becker and Tirschwell		X ER 401, 403		
41.	4/27/2017	UWMB004736	Email from Carnes re New EEOC charge	X			

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
42.	4/27/2017	UWMB002903	Health Care Provider Certification by Sternoff	X			
43.	5/4/2017	MB-00023	EEOC Charge		X ER 401 403		
44.	5/30/2017	UWMB002900	Letter from Sternoff	X			
45.	6/27/2017	UWMB002893	Health Care Provider Certification by Sternoff	X			
46.	6/28/2017	UWMB00001631	Email from Francis re Mattie Brzycki	X			
47.	6/30/2017	UWMB005117	Email from Roland re Your return to work on 7/3	X			
48.	6/30/2017	UWMB005122	Email from Brzycki re Your return to work on 7/3	X			
49.	6/30/2017	UWMB005127	Email from Roland re Your return to work on 7/3	X			
50.			WITHDRAWN				
51.			WITHDRAWN				
52.	7/13/2017	UWMB005327	Email from Roland re Stroke Center MB modified schedule	X			
53.	7/18/2017	UWMB010956	Email from Petritz re Complaint Response	X			
54.	7/19/2017	UWMB10959	Email from Brzycki re Complaint Response	X			
55.	7/28/2018	MB-000039	Letter from McLauchlan	X			
56.			WITHDRAWN				
57.	8/4/2017	MB-002082	Letter from Stell	X			
58.	8/9/2017	MB-002182	Letter from McLauchlan	X			
59.	8/16/2017	MB-000047	EEOC Charge	X			
60.	8/25/2017	UWMB005517	Email from McLauchlan re EEOC Charge Notification – Marthilde Brzycki	X			
61.	10/18/2017	MB-000332	Health Care Provider Statement by Stell	X			
62.	11/11/2017	MB-000337	Health Care Provider Statement by Stell	X			
63.	11/18/2017	UWMB00001993	Email from Stell re Fax	X			
64.	11/29/2017	UWMB00002039	Email from Brzycki re	X			



Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
			Status of disability accommodation request				
65.	2011-2017	UWMB00002767	Harborview Pay Records	X			
66.	6/16/2017	UWMB00002768	Harborview Pay Records	X			
67.			Harborview 2017 Pay History Summary (FRE 1006)			X Not best evidence. Foundation. ER 801, 802, Hearsay	
68.			Summary Timeline			X Not best evidence. Foundation. ER 801, 802, Hearsay	
69.	Various	MB-000723	WOW Cards (will redact names in final exhibit)			X MIL ER 801, 802, Hearsay	
70.			Harborview Campus Map	X			
71.			PHOTO: Harborview Aerial View	X			
72.			PHOTO: Harborview Entrance	X			
73.			PHOTO: Ninth and Jefferson Entrance	X			

Ex. No.	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	Admitted
74.	11/11/19		PHOTO: Neurology Library 1	X			
75.	11/11/19		PHOTO: Neurology Library 2	X			
76.	11/11/19		PHOTO: Provider Room 1	X			
77.	11/11/19		PHOTO: Provider Room 2	X			
78.	11/11/19		PHOTO: Stroke Center 1	X			
79.	11/11/19		PHOTO: Stroke Center 2	X			
80.	11/11/19		PHOTO: Stroke Center 3	X			
81.	11/11/19		PHOTO: Stroke Center 4	X			
82.	11/11/19		PHOTO: Stroke Center 5	X			
83.	11/11/19		PHOTO: Stroke Clinic 1	X			
84.	11/11/19		PHOTO: Stroke Clinic 2	X			
85.	11/11/19		PHOTO: Stroke Clinic 3	X			
86.			WITHDRAWN				
87.			WITHDRAWN				
88.	TBA		PHOTO: Family 1			X MIL	
89.	TBA		PHOTO: Family 2			X MIL	
90.	TBA		PHOTO: Marthilde Brzycki			X MIL	
91.	TBA		PHOTO: Marthilde Brzycki with Daughter			X MIL	
92.	TBA		PHOTO: Rainier			X MIL	
93.	TBA		PHOTO: San Francisco			X MIL	
94.	TBA		PHOTO: Snow Play			X MIL	
95.	TBA		PHOTO: Thanksgiving			X MIL	
96.	TBA		PHOTO: Brzyckis at Harborview			X MIL	
97.	9/9/2016	MB-000901	Email from Tricia Roland RE: Good morning		X ER 401, 403 ER 801, 802, Hearsay		

**B. Defendants' Exhibits**

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
101		UCIRO file	UWMB0002589-2617	X			
102		Information About UCIRO	UWMB003374-3376	X			
103		UW Policy Directory Presidential Orders Executive Order No. 31	UWMB003378-3383	X			
104		UW Policy Directory Administrative Police Statement 46.3	UWMB003384-3389	X			
105	11/23/2015	Email Hare to Balch re document with att. (Stroke work flow.docx)	UWMB006012-6017	X			
106	10/01/2015	Petriz interview questions for and notes of interview of Dawn Drury	UWMB003044-3049		Hears ay		
107	02/14/2017	Email from Balch to Petriz re Hours verified	UWMB006804-6805	X			
108	07/12- 18/17	Emails between Petriz and Brzycki	UWMB010956-10958	X			
109	07/13/2017	Email from Roland to Petriz with attachments	UWMB005327-5342	X			
110		Clinic updated with totals excel document	UWMB005340 (native)	X			
111	07/12/2017	Emails between Petriz and Brzycki	UWMB010933-10935	X			
112	07/2008	Job description - Clinical Nurse Practitioner	UWMB00000031-33		Found ation; 401, 402		
113	09/14/2011	Resume	UWMB00000582-584		401, 402		
114	10/21/2014	Resume	UWMB00000611-613	X			
115	11/13/2014	Letter to Marthilde Brzycki re offer to employ as Health Care Specialist	UWMB00000628	X			
116	12/18/2014	Schuringa medical records	MB-001901-1906	X			
117	12/18/2014	Schuringa medical records	MB-001906-1910	X			
118	02/20/2015	FW: Stroke Clinic Apts	MB000983-86		MIL		
119	08/25/2015	Email from MB to Aleks re Your UCIRO inquiry	UWMB0002574-2575	X			
120	08/25/2015	Email from Mags Aleks to MB re "Your UCIRO Inquiry"	UWMB0002580		403 (cumu lative)		

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
121	08/26/2015	Aleks handwritten notes [t/c from Marthilde Brzycki, ok to close for now]	UWMB0002583		Found ation, Hears ay		
122	08/26/2015	Emails b/w MB and Nola Balch re "Your call"	USMB002963-2964	X			
123	08/26/2015	Hare email to Plaintiff	UWMB008626	X			
124	08/26/2015	Handwritten notes	UWMB002952-2961	X			
125	08/27/2015	Health Care Specialist Job Description	UWMB00001377-1378		Found ation		
126	09/03/2015	Handwritten notes re Stroke Investigation	UWMB003013	X			
127	10/09/2015	Notes re Workplace Investigation Wrap-Up	UWMB003060-3062	X			
128	10/13/2015	FW: salary/overtime	MB000978-79	X			
129	12/01/2015	Agenda	UWMB00000976	X			
130	12/24/2015	Email from MB to Miryah Hibbard re Meeting with Kathy Hare and Kelly	MB-000676	X			
131	10/04/2016	Roland email re Kronos Punch	UWMB006051	X			
132	10/26/2016	Roland emails with physicians	UWMB003835-3836	X			
133	10/28/2016	Email re SSRS Punch Origin Report	UWMB00000046-50	X			
134	10/31/2016	Card Activity Report 8/1/16-10/31/16	UWMB00001228-1230	X			
135	11/01/2016	Concerns re MB written on 11/1/2016	UWMB00001236	X			
136	11/01/2016	Notes re 1:1 w/ Tricia Roland	UWMB000057	X			
137	11/01/2016	Email from Roland to Roland re rounds	UWMB00000058		Hears ay		
138	11/09/2016	Card Activity Report from 11/1/16-11/7/16	UWMB00001255	X			
139	11/09/2016	Clock-in/Garage Entry Discrepancies 8/1/16-11/7/16	UWMB00000091-92	X			
140	11/10/2016	Notes	UWMB00000065-66	X			
141	11/10/2016	Email from Roland to Balch and others FW: This AM rounds, with various emails	UWMB00000067-77		Hears ay		
142	11/14/2016	Email from Roland to Roland and Balch re early	UWMB00000078	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		mornings in the office for MB					
143	11/14/2016	Email from Roland to Balch and others re MatTie and Stroke Center Meeting 11/14/16	UWMB00000079	X			
144	11/14/2016	Email thread from Kelly Paananen to Tricia Roland, Nola Balch re "ARNP role" with attachment	UWMB00001271-1274	X			
145	11/14/2016	Audio recording of Stroke Center Meeting	UWMB003241	X			
146	11/14/2016	Schuringa medical records	MB-001910-1916	X			
147	11/15/2016	Email from Roland to Balch, Paananen re FW: Today's rounds	UWMB00000084-85	X			
148	11/15/2016	Balch notes re Investigation Touch Base Mtg	UWMB00001279-1281	X			
149	11/15/2016	Balch Notes re meeting with Kelly P & Tricia R	UWMB00000093-94	X			
150	11/16/2016	Roland email to Balch, Paananen	UWMB00000095-96	X			
151	11/16/2016	Roland email to Balch, Paananen	UWMB00000097-98	X			
152	11/17/2016	Email from Roland to Balch re FW Stroke Q1 Meeting	UWMB00001296-1301	X			
153	11/17/2016	Roland email re FW: Clinic Appt times	UWMB00000102-103	X			
154	11/18/2016	Email with card activity report	UWMB00000114-115	X			
155	11/18/2016	Email re FW Submitted Time Off Days...	UWMB00000116-117	X			
156	11/18/2016	Email from UCIRO to MB re Your Inquiry re Complaint Processes	UWMB0002614-2615	X			
157	11/18/2016	Email from Balch to Francis re Disciplinary meeting for work performance and hours worked, requested by	UWMB00001116-1130	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		Tricia Roland (with attachments)					
158	11/18/2016	Email string re Disciplinary meeting for work performance...	UWMB00001311-1314	X			
159	11/20/2016	Dr. Tirschwell email re Some comments on this doc	UWMB004024-4027		401, 402		
160	11/21/2016	Email re OT	UWMB00000137-138	X			
161	11/22/2016	Tirschwell email Re QI: confidential	UWMB009838-9840	X			
162	11/23/2016	Email from Roland to Balch re Stroke Center	UWMB00000139	X			
163	11/23/2016	Stell Chart Notes	MB-001865-1896	X			
164	11/30/2016	Roland email to Roland and Balch re Mattie and rounds	UWMB00000148	X			
165	12/02/2016	Balch email re Investigatory Interview: Monday 12/5	UWMB006286-6292	X			
166	12/05/2016	Attendance/Work Hours and Work Performance Concerns, HMC Stroke Program, December 2016	UWMB006505-6514	X			
167	12/05/2016	Investigatory Interview: Clock-In/Garage Entry Discrepancies 8/1/16-11/17/16	UWMB00001358-1368	X			
168	12/05/2016	OfficeMax handwritten notes	MB-001932-1956	X			
169	12/06/2016	Email from Tirschwell to MB re MB Compliance Audit Results	UWMB003177-3179	X			
170	12/06/2016	Email from MB to David Tirschwell w/att	MB-000710-719		MIL		
171	12/06/2016	Email string re out sick	UWMB00000223	X			
172	12/06/2016	Email string re Please cancel clinic patients	UWMB00000225-227	X			
173	12/06/2016	Balch email to Snow re Continuation of	UWMB006308	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		Investigatory Interview: M. Brzycki					
174	12/07/2016	Letter from Schuringa	MB-001763	X			
175	12/08/2016	Email from Paananen to Longstreth re Information re healthcare specialist with attachment	UWMB009887-9889	X			
176	12/08/2016	FML Certification	UWMB002925-2926		403 (dup of 29)		
177		WITHDRAWN					
178	12/12/2016	Medical Leave-FMLA Approval	UWMB00000742	X			
179	01/03/2017	FML Certification	UWMB002922-2923		403 (dup of 31)		
180	01/04/2017	Medical Leave-FMLA-Extended	UWMB00000745	X			
181	01/09/2017	Email from Tirschwell to MB et al re M. Brzycki - My hours works - stroke clinic, center office, ect. (with attachment)	UWMB006476-6479	X			
182	01/09/2017	Email from Tirschwell to MB et al	UWMB00001381-1383	X			
183	01/17/2017	Overlake record - Gow MA	MB-002695	X			
184	01/17/2017	Letter from Schuringa	UWMB002920		403 (dup of 34)		
185	01/25/2017	Medical Leave-FMLA Approval-Revised	UWMB00000747	X			
186	01/25/2017	Email from Francis to Debbie Reandeau, Nola Balch re Mathilde Brzycki - Additional Information follow up	UWMB00001610		401, 402		
187	02/02/2017	Paananen notes re meeting with Mattie and Tricia	UWMB00001388	X			
188	02/02/2017	Email from Roland to Balch re Documentation of	UWMB006620-6622	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		conversation with MB on 2/2					
189	02/02/2017	Tirschwell email re Call from Mattie	UWMB006628	X			
190	02/03/2017	Email string with Plaintiff, Tirschwell and others re Prep Time for clinic patients	UWMB00004379	X			
191	02/03/2017	Email string RE: FW: Fwd: Prep time for clinic patients	MB000358	X			
192	02/07/2017	Roland to Brzycki email re Friday's Clinic Notes	UWMB00000235	X			
193	02/07/2017	Roland email to Roland, Paananen, Hare, Balch re Stroke Clinic	UWMB00000240-242	X			
194	02/13/2017	Attendance/Work Hours and Work Performance Concerns, HMC Stroke Program, Second Investigatory Interview, February 2017	UWMB00001424-1434	X			
195	02/14/2017	Paananen notes re meeting with Mattie and Kathy Hare	UWMB00001441	X			
196	02/16/2017	Attendance/Work Hours and Work Performance Concerns, HMC Stroke Program, Third Investigatory Interview, February 2017	UWMB00001443-1446	X			
197	02/17/2017	Email from Roland to Balch re Third Investigatory Interview with MB TR notes	UWMB006899-6904	X			
198	03/01/2017 <i>Date approx</i>	Investigatory Findings - M. Brzycki	UWMB00001506-1511	X			
199	03/08/2017	Email from Thomas to Balch re KRONOS SSRS Punch Origin Report	UWMB007000-7003	X			
200	03/16/2017	Email from Roland to Balch re Stroke Center - MB with att. (Observations	UWMB004511-4513		Hears ay		



Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		regarding Marthilde Brzycki.docx)					
201	03/17/2017	Email string Re: next steps-confidential	UWMB007015		Hears ay		
202	03/30/2017	Balch email with Snow and notes	UWMB00000354-355	X			
203	04/02/2017	Email from Tirschwell to Balch re Confidential - Marthilde Brzycki	UWMB007097-7098		Hears ay		
204	04/07/2017	Email from UCIRO to MB re UCIRO inquiry	UWMB011004	X			
205	04/07/2017	Email from Balch to MB re Step C Final Counseling including att. (M_Brzycki Step C Final Counseling Packet_April 2017.pdf.)	UWMB007211-7255	X			
206	04/7/2017	Balch email with union representatives re Step C Final Counseling Meeting	UWMB00000368-369	X			
207	04/11/2017	Brzycki email to herself re Fwd: role as a provider	MB-000898		401, 402, 403 (propo se using UWM B0087 35 instea d)		
208	04/13/2017	EEOC Intake Questionnaire	MB-001714-1721	X			
209	04/17/2017	Email to esgeneral@lni.wa.gov from MB re worker rights complaints	MB-000758-767		401, 402, 403		
210	04/18/2017	Final Counsel handwritten notes	UWMB00000421-424	X			
211	04/21/2017	Email from Paananen to MB, Roland, Tirschwell re Clinic	UWMB009702	X			
212	04/21/2017	Email string Fwd: Clinic	UWMB004667-4668	X			
213	04/22/2017	Email from MB to Paananen re conversation today	MB-000521-22		401, 402, 403. Propo		

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
					se using UWM B0096 84-85 instea d		
214	04/25/2017	FW: Today's meeting	MB000834-35		401, 402, 403. Propo se using UWM B0046 81-82 instea d		
215	04/26/2017	Roland Email to Balch, Hare, and Paananen re MB action plan	UWMB00000429-436	X			
216	04/26/2017	Sternoff Chart Notes	MB-001916-1918	X			
217	04/26/2017	UW FML Certification	UWMB002903-2905		403 (dup of 42)		
218	05/05/2017	Medical Leave-FMLA Approval	UWMB00000765	X			
219	05/08/2017	Email from McLauchlan re MB re UCIRO intake	UWMB010999- 011000	X			
220	05/08/2017	EEOC Charge of Discrimination	UWMB007573-7574	X			
221	05/08/2017	Email from McLauchlan to MB re UCIRO Intake			403 (near dup of 219)		
222	05/08/2017	Charge of Discrimination EEOC	MB-000023-25		403 (dup of 43)		
223	05/26/2017	Sternoff Chart Notes	MB-001918-1920	X			
224	05/30/2017	Letter from Sternoff to Brzycki	UWMB002900-2901		403 (dup of 44)		
225	05/31/2017	Medical Leave letter	UWMB00000768	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
226	06/27/2017	Leave Cert of Health Care Provider - Sternoff	UWMB002893-2894		403 (incomplete dup of 45)		
227	06/27/2017	UW FML Certification	UWMB002893-2895		403 (dup of 45, near dup of 226 (adds cover) )		
228	06/29/2017	Email b/w Kim Francis and Tricia Roland re Mattie Brzycki	UWMB005053-5055	X			
229	06/29/2017	Letter to Annalie Greer from Alina McLaughlin	UWMB000000001-9		MIL		
230	06/30/2017	Email from Balch to Roland, Hare re How's this?	UWMB005126	X			
231	06/30/2017	Email from Roland to mjeanty re Your return to work on 7/3 with att. (MB modified schedule.pptx)	UWMB005069-5071	X			
232	06/30/2017	Email from Roland to MB re MB modified schedule	UWMB0000780	X			
233		WITHDRAWN					
234	06/30/2017	Medical-Leave Disability Approval letter from Francis	UWMB00001641- 1642	X			
235	07/07/2017	Email from Francis to MB re Yesterday's questions	UWMB00001652- 1661	X			
236	07/10/2017	Email from Roland to Francis re MB ("private quiet place")	UWMB00001665- 1670		401, 402		
237	07/11/2017	Email from Roland to MB re Meeting - Final Consulting Action Plan Review, Modified Schedule Review	UWMB008052	X			
238	07/12/2017	Health Care Provider Statement - Stell	UWMB002876-2881	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
239	07/12/2017	Fax cover Sheet signed by M. Reid Stell, LMHC	UWMB00001684	X			
240	07/12/2017	Francis email to numerous individuals re Mattie Brzycki	UWMB00001678	X			
241		WITHDRAWN					
242	07/13/2017	Letter re Medical Leave- Disability Approval	UWMB00000801-802	X			
243	07/17/2017	Fwd: Updated HCP Information	MB000616-20		401, 402, 403 (propo se using UWM B0053 99 instea d)		
244	07/28/2017	Re: Tentative offer of employment NP position with VA Puget Sound (ARPA 2682360)	MB001272-73	X			
245	08/04/2017	Email to Reid Stell from MB	MB-002104-2109	X			
246	08/04/2017	Letter to Francis from Reid Stell	UWMB002859-2865	X			
247	08/04/2017	Healthcare Provider Statement	MB-001815-1821	X			
248	08/04/2017	Email to Stell encl Healthcare Provider Statement	MB-002104-2109	X			
249	08/16/2017	EEOC Charge of Discrimination	UWMB005520	X			
250	08/16/2017	Letter to MB from Francis re 6 Month Leave of Absence Status	UWMB00001712- 1713	X			
251	08/16/2017	Memo from Francis to MB re Medical Leave- Disability Approval	UWMB00001718- 1719	X			
252	08/16/2017	Email from Balch to Francis re M. Brzycki Accommodation -	UWMB008201	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
		Continued Leave of Absence					
253	08/21/2017	Email from Roland to Balch re MB questions with att. (M_Brzycki investigatory interview questions 08.21.17.docx)	UWMB008214-8217	X			
254	08/24/2017	Roland to Balch email re MB questions updated for investigatory mtg	UWMB008220-8224	X			
255	09/29/2017	Email from MB to Kalani	MB-001016	X			
256	10/03/2017	Schuringa medical records	MB-001922-1931	X			
257	10/03/2017	Sternoff Chart Notes	MB-001920-1922	X			
258	10/06/2017	Letter to Mary Hammock from Alina McLaughlin re Respondent's Position Statement and Response to Request for Information	UWMB00000442-450		MIL		
259	10/08/2017	Healthcare Provider Statement	MB-001845-1849	X			
260	10/18/2017	Health Care Provider Statement - Stell	UWMB002825	X			
261	10/19/2017	Email to Stell from MB re Kim's question regarding accommodation	MB-002043	X			
262		WITHDRAWN					
263	10/20/2017	Email to MB from Stell re Form for Ms. Brzycki	MB-002038-2040	X			
264		WITHDRAWN					
265	10/23/2017	October Email string	MB-002025-2032	X			
266	10/24/2017	October Email string	MB-002018-2022	X			
267	10/25/2017	Email from Stell to Francis re Form for Ms. Brzycki	UWMB002843-2853	X			
268	10/25/2017	October Email string	MB-002008-2017	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
269		WITHDRAWN					
270	10/25/2017	October Email string	MB-002007	X			
271	11/09/2017	Email from Francis to MB, Roland, Hare re M Brzucki Accommodation Implementation Letter (with att)	UWMB00001913- 1915	X			
272	11/09/2017	Email string Re: Meeting today	MB000363-64		401, 402, 403. (propo se using UWM B0057 15 instea d)		
273	11/09/2017	Letter re Medical Leave- Disability Approval	UWMB00000849-850	X			
274	11/10/2017	Email string w/attached 11/19/17 Memo to Brzycki from Francis and Healthcare Provider Statement	MB-001985-1994	X			
275	11/11/2017	Health Care Provider Statement - Stell	UWMB002809-2813	X			
276	11/11/2017	Healthcare Provider Statement	MB-001860-1864		Cumu lative (same conten ts as 275)		
277	11/12/2017	VA- done	MB-001002	X			
278	11/13/2017	Healthcare Provider Statement	MB-001855-1859	X			
279	11/16/2017	Disability Accommodation Review Team Meeting	UWMB002793	X			
280	11/17/2017	Fax from Francis to Stell with Health Care Provider Statement	UWMB002808	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
281	11/17/2017	Medical Leave-Disability Approval letter	UWMB00000846-847	X			
282	11/17/2017	Letter to MB from Francis re 9 Month Leave of Absence Status	UWMB00001977-1978	X			
283	11/18/2017	Stell email to Francis re Fax	UWMB00000878-879	X			
284	11/30/2017	Email from Francis to MB re Status of disability accommodation request	UWMB0002051	X			
285	12/01/2017 <i>Approx. Date</i>	Oral Report Summary Outline	UWMB003622-3626		MIL		
286	01/09/2018	Letter to MB from Alina McLauchlan re Internal Investigation	UWMB003610	X			
287	08/08/2018	Letter to MB from EEOC re Charge Number 551-2107-01858C (follow up to the rebuttal), Dismissal and Notice of Rights	EEOC000007-11		MIL		
288	08/08/2018	Letter to MB from EEOC re Charge Number 551-2107-01080C (follow up to the rebuttal), Dismissal and Notice of Rights	EEOC000444-447		MIL		
289		WITHDRAWN					
290		Patient schedule	UWMB00000056	X			
291		Notes	UWMB00000062	X			
292		Email 11/3/16 from Tricia Roland to Nola Balch re FYI re MB timecard	UWMB00000063	X			
293	Misc	Bellevue Endocrine Consultants records	MB-002716-2739		Found ation		
294		Tricia Roland CV	UWMB001023	X			
295	Misc	Text messages with Lilia Merveus	MB-002542-2549		401, 402, 403		
296	11/22/2016	Stell Client Registration Information 11/22/16	MB-001786-1804	X			

Def Ex No	Date	Document	Bates	Stip Adm	Stip Auth But not Adm	Object to Auth and Adm	Adm
297	2017-2018	Text Messages with Dr. Michael "Reid" McDonald	MB-002598	X			
298	Various	Overlake medical records	MB-002673-2715		403 (cumulative)		
299		Administrative Policy 45.5 and FMLA policies	UWMB-003293-3315	X			
300		Administrative Policy Statement 46.5, Reasonable Accommodation, and related policies and forms	UWMB003323-3338	X			
301		Complaint resolution – Human Resources	UWMB003344-3345	X			
302		Disability Accommodation Policy	MB-002355-2359	X			
303		Administrative Policy 46.5	MB-002523-2526	X			
304		Plaintiff's Answers & Responses to Def 1st Interrogatories/RFPs			403		
305		Plaintiff's 1 <sup>st</sup> Supp Responses to Def 1st Interrogatories & RFPs			403		
306		Plaintiff's 2 <sup>nd</sup> Supp Responses to Def 1st Interrogatories & RFPs			403		
307		Plaintiff's 3 <sup>rd</sup> Supp Responses to Def 1st Interrogatories & RFPs			403		
308		Brzycki Stroke Clinic Schedule Spreadsheet	UWMB011012-19		403		

### VIII. DEPOSITION TRANSCRIPTS

Defendants intend to designate and present the entirety of the examinations of Beth Louie, Abeba "Abby" Tesfamariam, and Jennifer Petritz via transcript and video pursuant to LCR 32(e), the Court's February 5, 2010 Order (Dkt. 71), and agreement of counsel. The parties will ask the Court to rule on the few objections counsel made in these depositions.



**IX. ACTION BY THE COURT**

This case is scheduled for a bench trial beginning on November 12, 2020, at 9:00 a.m. This order has been approved by the parties<sup>2</sup> as evidenced by the signatures of their counsel on the filed proposed pretrial order (Dkt. No. 97). This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 29th day of October, 2020.



Marsha J. Pechman  
United States District Judge

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<sup>2</sup> The Court has made minor revisions the form submitted by the Parties to reflect the removal of Harborview Medical Center as a Party and the change to a bench trial commencing on November 12, 2020.